

The petition of the Plaintiff in the above entitled case respectfully shows;

That Ethel Summers,Dorothy Summers and Charles H.Summers,the infant Defendants in said case having been duly summoned but being infants,they can not answer,and your petitioner prays your Honors,to appoint a guardian as litem to answer and defend this suit for the said infants.

And as in duty,etc.

Edgar H.McBride
Solicitor for Petitioner.

ORDER OF THE COURT.

Upon the foregoing petition,it is ordered this 19th day of December,1922,by the Circuit Court for Frederick County,sitting as a Court of Equity that John H.Martz be and he is hereby appointed guardian ad litem to answer and defend this suit,No.10,679 Equity for Ethel Summers,Dorothy Summers and Charles H.Summers,the infant Defendants therein.

(Filed January 19,1923)

Glenn E.Worthington.

ANSWER OF GUARDIAN AD LITEM.

Roy Gardner	"	No.10679 Equity.
	"	
Vs.	"	In the,Circuit Court for
	"	
Minnie M.Summers.	"	Frederick County,sitting in Equity.
et al.	"	
	"	

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THE ANSWER OF Ethel Simmers,Dorothy Summers and Charles H.Summers infants under the age of twenty-one years,by John H.Martz Guardian ad Litem,to the Bill of Complaint of Roy Gardner against Minnie M.Summers et al in the Circuit Court for Frederick County,sitting as a Court of Equity exhibited. The Defendants cannot admit any of the matters and things in the Bill,and being infants of tender years,submit their rights to the protection of this Court.

(Filed January 19,1923)

John H.Martz.
Guardian Ad Litem.

TESTIMONY.

Roy Gardner.	"	No.10679 Equity.
	"	
vs.	"	In the,Circuit Court for
	"	
Minnie M.Summers.	"	Frederick County in Equity.
	"	

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The above entited case being at issue and notice having been given me by the solicitor for the Plaintiff of his desire to take testimony therein I,D.Princeton Buckey,one of the standing examiners of the said Court,duly appointed,qualified and sworn,having assigned the 24th of April,1923,at the office of Edgar H.McBride,Attorney at Law in Frederick,Maryland,as the time and place for taking testimony in this cause,and having given due notice thereof to the parties concerned,did at the appointed time and place proceed to take the following testimony to wit;-

The Plaintiff filed with the examiner as evidence "Exhibits" Nos.1,2,3,4 and 5 which are herewith returned by the said Examiner.

Mrs.Minnie M.Summers,a witness of lawful age produced on the part of the Plaintiff being duly sworn and examined viva voce deposes and says as follows;

"My name is Minnie M.Summers,my age 40 years. I reside on a farm near Frederick,Maryland,and am one of the Defendants in this case individually and as Administratrix of my deceased husband,C.Kieffer Summers. My husband died intestate in November,1922,leaving me as his widow and three children,namely,Ethel Summers aged 15 years,Dorothy Summers aged 11 years and Charles H.Summers aged 7 years,all of them being infants under the age of 21 years and unmarries,as the only heirs at law of the said Charles K.Summers. They reside with me.

My husband was seized and possessed at the time of his death of a parcel of land consisting of about one-half acre,located in Tustarora Election District,Frederick County,Maryland,and improved by a one story building,and also a parcel of woodland containing about 16 acres,2 roods and 1 perch located near Spout Spring road in the said Tuscarora Election District,the said parcels of land